

CASE

NUMBER:

99 - 288

INDEX FOR CASE: 1999-288UAC
NPCR, INC. DBA NEXTEL PARTNERS
Construct

CELL SITE - 1671 BALLARD ROAD - LAWRENCEBURG, ANDERSON COUNTY

IN THE MATTER OF THE APPLICATION OF CROWN COMMUNICATIONS INC
AND NPCR, INC. D/B/A NEXTEL PARTNERS FOR ISSUANCE OF A
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT
A WIRELESS COMMUNICATIONS FACILITY AT 1671 BALLARD ROAD,
LAWRENCEBURG, KY 40342

IN THE WIRELESS COMMUNICATIONS LICENSE AREA

IN THE COMMONWEALTH OF KENTUCKY

IN THE COUNTY OF ANDERSON

SITE NAME: BALLARD

SEQ NBR	ENTRY DATE	REMARKS
0001	07/22/1999	Application.
0002	07/28/1999	Acknowledgement letter.
0003	08/10/1999	No def. letter
M0001	08/12/1999	BETTY WEBB LAWRENCEBURG ANDERSON PLA-NOTICE & REQUEST FOR INTERVENTION
0004	08/18/1999	Order granting intervention to Lawrenceburg/Anderson County Joint Planning Comm.
M0002	08/23/1999	BETTY WEBB LAWRENCEBURG ANDERSON CO-NOTICE TO HOLD PUBLIC HEARING
M0004	09/21/1999	RENEE EVANS LAWRENCEBURG ANDERSON-APPROVAL OF LOCATION OF TOWER
M0003	09/23/1999	CROWN COMMUNICATIONS DAVID PIKE-MOTION TO SUBMIT
0005	12/06/1999	FINAL ORDER GRANTING CONSTRUCTION



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

CERTIFICATE OF SERVICE

RE: Case No. 1999-288 UAC
NPCR, INC. DBA NEXTEL PARTNERS

I, Stephanie Bell, Secretary of the Public Service Commission, hereby certify that the enclosed attested copy of the Commission's Order in the above case was served upon the following by U.S. Mail on December 6, 1999.

See attached parties of record.

Stephanie J. Bell

Secretary of the Commission

SB/tw
Enclosure

Donald J. Manning
Vice President and General Counsel
NPCR, Inc.
dba Nextel Partners
4500 Carillon Point
Kirkland, WA. 98033

Rodney Strong
Crown Communications, Inc.
Commonwealth Business Center
11001 Bluegrass Parkway, Suite 330
Louisville, KY. 40299

Honorable David A. Pike
Counsel for Crown Communications
Pike Legal Group
200 S. Buckman Street
P. O. Box 369
Shepherdsville , KY. 40165 0369

Honorable W. Brent Rice
Counsel for Nextel Partners
McBrayer, McGinnis,
Leslie & Kirland
163 W. Short Street
Lexington, KY. 40507 1361

Betty J. Webb
Lawrenceburg/Anderson County,
KY Joint Planning Commission
139 South Main Street
Lawrenceburg, KY. 40342

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CROWN COMMUNICATION INC.)
AND NPCR, INC. D/B/A NEXTEL PARTNERS FOR)
ISSUANCE OF A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO CONSTRUCT)
A WIRELESS COMMUNICATIONS FACILITY AT)
1671 BALLARD ROAD, LAWRENCEBURG, KY)
40342 IN THE WIRELESS COMMUNICATIONS)
LICENSE AREA IN THE COMMONWEALTH OF)
KENTUCKY IN THE COUNTY OF ANDERSON)
SITE NAME: BALLARD)
SITE NUMBER: 409KY)

CASE NO.
99-288-UAC

O R D E R

On July 22, 1999, Crown Communication Inc. ("Crown") and NPCR, Inc. d/b/a Nextel Partners (collectively, the "Applicants") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. The proposed facility is to be located at 1671 Ballard Road, Lawrenceburg, Anderson County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 55' 32.34" by West Longitude 84° 59' 37.96".

The Applicants have provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and the plans have been certified by a Registered Professional Engineer.

Pursuant to KRS 100.987, the Applicants submitted a uniform application to the Lawrenceburg/Anderson County Joint Planning Commission ("Planning Commission"). The Planning Commission intervened in this matter but later filed notice of its approval of the uniform application. The Applicants have filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the proposed facility. Both applications are pending.

The Applicants have filed evidence of the appropriate notices provided pursuant to 807 KAR 5:063. The notices solicited any comments and informed the recipients of their right to request intervention. To date, no comments have been filed with the Commission.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, Crown should notify the Commission if it does not use this antenna tower to provide service in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by Crown.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that the Applicants have demonstrated that a facility is necessary to provide adequate utility service and therefore should be granted a Certificate of Public Convenience and Necessity to construct the proposed facility.

IT IS THEREFORE ORDERED that:

1. Crown is granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility to be located at 1671 Ballard Road, Lawrenceburg, Anderson County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 55' 32.34" by West Longitude 84° 59' 37.96".

2. The Applicants shall file a copy of the final decisions regarding its pending FAA and KAZC applications for the proposed construction within 10 days of receiving these decisions.

3. Crown shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 6th day of December, 1999.

By the Commission

ATTEST:


Executive Director

LAWRENCEBURG/ANDERSON COUNTY, KENTUCKY
JOINT PLANNING COMMISSION

139 SOUTH MAIN STREET
LAWRENCEBURG, KENTUCKY 40342

BETTY WEBB, CHAIRMAN
JODY HUGHES, VICE CHAIRMAN
RENEE D. EVANS, SECRETARY

TELEPHONE
502-839-3042
FAX 502-839-8151

Filed
Sept 21, 1999

September 20, 1999

Executive Directors Office
Public Service Commission of Kentucky
P.O. Box 615
Frankfort, KY 40602

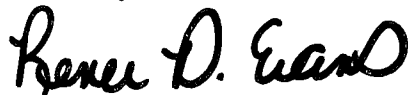
RE: Case No.: 99-288-UAC
Site No.: 409KY
Site Name: Ballard

Dear Sir or Madam:

The Lawrenceburg/Anderson County, KY Joint Planning Commission has conducted its review of the uniform application of Crown Communication's Inc. and Nextel Partners.

Following the review of the above referenced application the Planning Commissions approves such application and the site location of 1671 Ballard Road, Anderson County, Kentucky for the telecommunication's facility.

Sincerely,



Renee D. Evans, Secretary
Lawrenceburg/Anderson County KY Joint Planning Commission

cc: Rodney C. Strong
Crown Communications

David A. Pike, Attorney At Law
Pike Legal Group

Hon. Ed Logan, Attorney At Law
Commission Attorney

Hon. Anthony D. Stratton,
Anderson Co. Judge/Executive

HAZELRIGG AND COX
ATTORNEYS AT LAW
415 WEST MAIN STREET
P.O. Box 676
FRANKFORT, KENTUCKY 40602-0676

WILLIAM P. CURLIN, JR.
JOHN B. BAUGHMAN
ROBERT C. MOORE
HOLLAND B. SPADE

DYKE L. HAZELRIGG (1881-1970)
LOUIS COX (1907-1971)

FAX: (502) 875-7158
TELEPHONE: (502) 227-2271

September 16, 1999

RECEIVED

SEP 17 1999

GENERAL COUNSEL^{ew}

Gerald Wuetcher
Public Service Commission
730 Schenkel Lane
P.O. Box 615
Frankfort, Kentucky 40602

RECEIVED

SEP 21 1999

PUBLIC SERVICE
COMMISSION

Re: In the Matter of: Covered Bridge Utilities, Inc.; Case No. 99-285

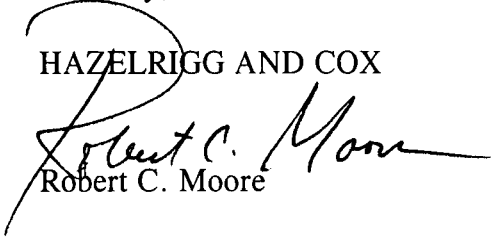
Dear Mr. Wuetcher:

Covered Bridge Utilities, Inc. hereby requests that the above referenced application for rate adjustment be amended to request only a review of the commercial rate to be charged to Hayfield Utilities, Inc. This request is consistent with our discussions at the informal conference held in the above referenced case on September 7, 1999. Please feel free to contact me if you have any questions concerning this amendment to the application for rate adjustment, or need me to submit any additional documents to support this amendment.

Thank you for your attention to this matter.

Sincerely,

HAZELRIGG AND COX


Robert C. Moore

cc: Frank G. Simpson, Glenna J. Curry, Fred T. Horneffer, Donald and Susan Roenigk, Karen Kueshner, Gerald Berman, and David E. Spenard

HAZELRIGG AND COX
ATTORNEYS AT LAW
415 WEST MAIN STREET

WILLIAM P. CURLIN, JR.
JOHN B. BAUGHMAN
ROBERT C. MOORE
HOLLAND B. SPADE

P.O. Box 676
FRANKFORT, KENTUCKY 40602-0676

DYKE L. HAZELRIGG (1881-1970)
LOUIS COX (1907-1971)

FAX: (502) 875-7158
TELEPHONE: (502) 227-2271

September 10, 1999

RECEIVED

SEP 13 1999

GENERAL COUNCIL

Gerald Wuetcher
Public Service Commission
730 Schenkel Lane
P.O. Box 615
Frankfort, Kentucky 40602

Re: In the Matter of: Covered Bridge Utilities, Inc.; Case No. 99-285

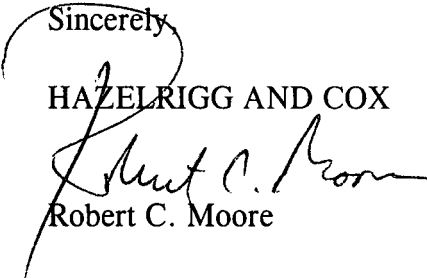
Dear Mr. Wuetcher:

I reviewed the Intra-Agency Memorandum issued by you concerning the discussions at the informal conference held in the above referenced case on September 7, 1999, and request that the following revisions be made to same. The first full paragraph on page 2 of the memorandum indicates that a proposal had been made to the Oldham Circuit Court whereby Hayfield Utilities, Inc. would charge its customers the amount of \$49.48 per month for the services which it provides to its customers, but that \$16.78 of this amount would be placed in an escrow account maintained by the Oldham Circuit Court. The memorandum should be revised to indicate that Hayfield Utilities, Inc.'s actual monthly charge is \$49.98 and the amount that would be placed in the escrow account under the proposal would be \$17.38.

Thank you for your attention to this matter.

Sincerely,

HAZELRIGG AND COX


Robert C. Moore

cc: Marty Cogan

LAWRENCEBURG/ANDERSON COUNTY, KENTUCKY
JOINT PLANNING COMMISSION

139 SOUTH MAIN STREET
LAWRENCEBURG, KENTUCKY 40342

BETTY WEBB, CHAIRMAN
JODY HUGHES, VICE CHAIRMAN
RENEE D. EVANS, SECRETARY

TELEPHONE
502-839-1505
FAX 502-839-8151

August 19, 1999

Pike Legal Group
Attorneys at Law

Attn: David A. Pike
Frankfort Plaza
P.O. Box 771
Frankfort, KY 40602-0771

RECEIVED

AUG 23 1999

PUBLIC SERVICE
COMMISSION

**RE: Crown Communication Inc. and NPCR, Inc., d/b/a Nextel Partners
Case No. 99-288 UAC (Site No: 409KY)**

Dear Mr. Pike:

This correspondence is to notify you of the Lawrenceburg/Anderson Co., KY Joint Planning Commission's intent to have a review and hold a public hearing to consider **Crown Communication Inc. and NPCR, Inc., d/b/a Nextel Partners** proposal to construct and operate a new wireless telecommunications facility to be located at 1671 Ballard Road, Lawrenceburg, Kentucky.

The public hearing will be held at the Commission's regularly scheduled meeting on September 14, 1999 at 7:00 p.m., located at City Hall, 205 East Woodford street, Lawrenceburg, Kentucky.

Enclosed is a copy of the regulations, adopted by the Lawrenceburg/Anderson Co., KY Joint Planning Commission, for Wireless Communication Facilities for Lawrenceburg and Anderson County.


Notices required to be published in the news paper need to be delivered to:

The Anderson News
133 S. Main Street
Lawrenceburg, Kentucky

The deadline for publication will be Monday, August 30, 1999 at noon. Publication date should be Wednesday, September 1, 1999.

If you have any questions please feel free to contact Renee Evans, Commission Secretary at the number above.

Sincerely,

Betty J. Webb 

Betty J. Webb, Chairman
Lawrenceburg/Anderson Co., KY Joint Planning Commission

Enclosure

BJW/rde

CC: Rodney C. Strong, Site Acquisition Manager
Crown Communication Inc.

Public Service Commission of Kentucky
Executive Directors Office

Anderson Co. Judge/Executive
Hon. Anthony Stratton

Commission Attorney
Hon. Ed Logan



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

August 18, 1999

To: All parties of record

RE: Case No. 99-288 UAC

We enclose one attested copy of the Commission's Order in
the above case.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Bell".

Stephanie Bell
Secretary of the Commission

SB/sa
Enclosure

Donald J. Manning
Vice President and General Counsel
NPCR, Inc.
dba Nextel Partners
4500 Carillon Point
Kirkland, WA 98033

Rodney Strong
Crown Communications, Inc.
Commonwealth Business Center
11001 Bluegrass Parkway, Suite 330
Louisville, KY 40299

Honorable David A. Pike
Counsel for Crown Communications
Pike Legal Group
200 S. Buckman Street
P. O. Box 369
Shepherdsville , KY 40165 0369

Honorable W. Brent Rice
Counsel for Nextel Partners
McBrayer, McGinnis,
Leslie & Kirland
163 W. Short Street
Lexington, KY 40507 1361

Betty J. Webb
Lawrenceburg/Anderson County,
KY Joint Planning Commission
139 South Main Street
Lawrenceburg, KY 40342

LAWRENCEBURG/ANDERSON COUNTY, KENTUCKY
JOINT PLANNING COMMISSION

139 SOUTH MAIN STREET
LAWRENCEBURG, KENTUCKY 40342

BETTY WEBB, VICE CHAIRMAN
RENEE D. EVANS, SECRETARY

TELEPHONE
502-839-1505
FAX 502-839-8151

AUG 12 1999

August 11, 1999

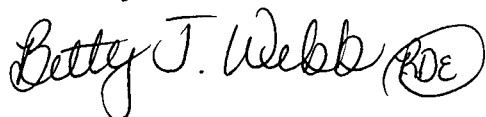
Executive Directors Office
Public Service Commission of Kentucky
P.O. Box 615
Frankfort, KY 40602

RE: Case No. 99-288-UAC

Dear Sir of Madam:

Please consider this correspondence as **NOTICE** of our request for intervention, as it is our intent to conduct a review and hold public hearings regarding the proposed construction of the Crown Communication Inc. and Nextel Partners wireless telecommunication facility in Anderson County, Site No: 409KY.

Sincerely,



Betty J. Webb, Chairman
Lawrenceburg/Anderson Co., KY Joint Planning Commission

BJW/rde

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CROWN COMMUNICATION INC.)
AND NPCR, INC., D/B/A NEXTEL PARTNERS FOR)
ISSUANCE OF A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO CONSTRUCT)
A WIRELESS COMMUNICATIONS FACILITY AT) CASE NO.
1671 BALLARD ROAD, LAWRENCEBURG,) 99-288-UAC
KENTUCKY IN THE WIRELESS COMMUNICATIONS)
LICENSE AREA IN THE COMMONWEALTH OF)
KENTUCKY IN THE COUNTY OF ANDERSON)
SITE NAME: BALLARD)
SITE NUMBER 409KY)

O R D E R

This matter arising upon the motion of the Lawrenceburg/Anderson County Joint Planning Commission ("Planning Commission"), filed August 12, 1999, for full intervention, and it appearing to the Commission that the Planning Commission has a special interest which is not otherwise adequately represented, and that such intervention is likely to present issues and develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings, and this Commission being otherwise sufficiently advised,

IT IS HEREBY ORDERED that:


1. The motion of the Planning Commission to intervene is granted.
2. The Planning Commission shall be entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.

3. Should the Planning Commission file documents of any kind with the Commission in the course of these proceedings, it shall also serve a copy of said documents on all other parties of record.

Done at Frankfort, Kentucky, this 18th day of August, 1999.

By the Commission

ATTEST:


Executive Director



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

August 10, 1999

To: All parties of record

RE: Case No. 99-288 UAC
NPCR, INC. DBA NEXTEL PARTNERS

The Commission staff has reviewed your application in the above case and finds that it meets the minimum filing requirements. Enclosed please find a stamped filed copy of the first page of your filing. This case has been docketed and will be processed as expeditiously as possible.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely,

Stephanie J. Bell
Stephanie Bell
Secretary of the Commission

SB/sa
Enclosure

Donald J. Manning
Vice President and General Counsel
NPCR, Inc.
dba Nextel Partners
4500 Carillon Point
Kirkland, WA. 98033

Rodney Strong
Crown Communications, Inc.
Commonwealth Business Center
11001 Bluegrass Parkway, Suite 330
Louisville, KY. 40299

Honorable David A. Pike
Counsel for Crown Communications
Pike Legal Group
200 S. Buckman Street
P. O. Box 369
Shepherdsville , KY. 40165 0369

Honorable W. Brent Rice
Counsel for Nextel Partners
McBrayer, McGinnis,
Leslie & Kirland
163 W. Short Street
Lexington, KY. 40507 1361

FOR THE PUBLIC RECORD

RECEIVED

JUL 22 1999

PUBLIC SERVICE COMMISSION

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CROWN COMMUNICATION INC)
AND NPCR, INC. d/b/a NEXTEL PARTNERS)
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO CONSTRUCT)
A WIRELESS COMMUNICATIONS FACILITY AT)
1671 BALLARD ROAD, LAWRENCEBURG, KY 40342)
IN THE WIRELESS COMMUNICATIONS LICENSE AREA)
IN THE COMMONWEALTH OF KENTUCKY)
IN THE COUNTY OF ANDERSON)

CASE NO.: 99-288 UAC

FILED
JUL 22 1999
PUBLIC SERVICE
COMMISSION

SITE NAME: BALLARD
SITE NUMBER: 409KY

Crown Communication Inc. (Crown), as ultimate owner, and NPCR, INC., d/b/a Nextel Partners (Provider), as a licensed public utility in the Commonwealth of Kentucky make this application.

The property on which the WCF will be located is located at 1671 Ballard Road, Lawrenceburg, Kentucky, 40342. The WCF site is geographically positioned at 37° 55' 32.34" North latitude, 84° 59' 37.96" West longitude.



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

July 28, 1999

To: All parties of record

RE: Case No. 99-288 UAC
NPCR, INC. DBA NEXTEL PARTNERS
(Construct) CELL SITE - 1671 BALLARD ROAD - LAWRENCEBURG

This letter is to acknowledge receipt of initial application in the above case. The application was date-stamped received July 22, 1999 and has been assigned Case No. 99-288. In all future correspondence or filings in connection with this case, please reference the above case number.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Bell".

Stephanie Bell
Secretary of the Commission

SB/jc

Donald J. Manning
Vice President and General Counsel
NPCR, Inc.
dba Nextel Partners
4500 Carillon Point
Kirkland, WA. 98033

Rodney Strong
Crown Communications, Inc.
Commonwealth Business Center
11001 Bluegrass Parkway, Suite 330
Louisville, KY. 40299

Honorable David A. Pike
Counsel for Crown Communications
Pike Legal Group
200 S. Buckman Street
P. O. Box 369
Shepherdsville , KY. 40165 0369

Honorable W. Brent Rice
Counsel for Nextel Partners
McBrayer, McGinnis,
Leslie & Kirland
163 W. Short Street
Lexington, KY. 40507 1361

RECEIVED

JUL 22 1999

PUBLIC SERVICE
COMMISSION

FOR THE PUBLIC RECORD

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

In the Matter of:

APPLICATION OF CROWN COMMUNICATION INC)
AND NPCR, INC. d/b/a NEXTEL PARTNERS)
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO CONSTRUCT)
A WIRELESS COMMUNICATIONS FACILITY AT)
1671 BALLARD ROAD, LAWRENCEBURG, KY 40342)
IN THE WIRELESS COMMUNICATIONS LICENSE AREA)
IN THE COMMONWEALTH OF KENTUCKY)
IN THE COUNTY OF ANDERSON)

CASE NO.: 99-288 UAC

FILED

JUL 22 1999

PUBLIC SERVICE
COMMISSION

SITE NAME: BALLARD
SITE NUMBER: 409KY

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